

TESTIMONY OF STANLEY M. HORDES, PH.D.

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**BEFORE THE COMMITTEES ON
ENERGY AND NATURAL RESOURCES AND INDIAN AFFAIRS
UNITED STATES SENATE**

APRIL 24, 2002

Mr. Chairman and Members of the Committee:

It is an honor to appear before the Committee this afternoon to share with you the results of my research into the history of the eastern boundary of the Pueblo of Sandía.

My name is Stanley Hordes, President of HMS Associates, Inc., a historical research consulting firm, based in Santa Fe, NM. I hold a Ph.D. in Colonial Mexican History from Tulane University in New Orleans. I have conducted research into the history of Mexico and the Spanish Borderlands for over twenty-seven years, and served as the State Historian for the State of New Mexico. I have performed expert research and testimony in dozens of cases involving the history of land and water in the Southwest over the past seventeen years. I also hold the position of Adjunct Research Professor at the Latin American and Iberian Institute at the University of New Mexico. I would like to request that my complete resume be entered as part of the official record of my testimony.

In 1995 I was asked by the U.S. Forest Service to conduct research into the history of the boundaries of the Pueblo of Sandía, with specific reference to the geographical extent of the Pueblo's eastern boundary from the establishment of the Pueblo's grant from the King of Spain in 1748. I made it clear to the Forest Service that I did not view my role as adversarial, that I did not see my position as

one of trying to find historical facts to support a particular position. I told the Forest Service that I would conduct the most objective professional job possible. The Forest Service not only agreed with this approach, but insisted upon it.

On March 1, 1996, I submitted my report, entitled, “History of the Boundaries of the Pueblo of Sandía, 1748-1860,” which was based on research conducted in New Mexico, Washington, DC, and Mexico City. I would like to request that a copy of this report be entered as part of the official record of my testimony.

On the basis of my research, I offer the following conclusions:

- (1) In 1748, the governor of New Mexico, in the name of the king of Spain, issued a grant of land to a mixed population of Hopi and Southern Tigua Indians. The land was located on the site of the old Pueblo of Sandía, which had been abandoned 68 years earlier.
- (2) The governor of New Mexico considered the newly constituted Pueblo of Sandía as a “formal pueblo,” receiving, like other Indian pueblos in New Mexico, a grant of land comprising four square leagues – or one league (2.6 miles) measured from the center of the pueblo in each cardinal direction. In the case of Sandía, due to a shortfall of land to the west, the Pueblo was compensated with additional lands to the north and south. The eastern boundary of the Pueblo was not affected by this adjustment, and thus extended only 1 league, or 2.6 miles, toward the “*sierra madre* [mountain range] called Sandía,” which served as the designated landmark on the east.

- (3) After the U.S. takeover of New Mexico in 1848, the U.S. Office of Surveyor General began the process of authenticating and surveying all land grants issued by Spanish and Mexican authorities. During the investigation into the boundaries of the Pueblo of Sandía, the official translator, David V. Whiting, engaged in an apparently deliberate mistranslation of the 1748 grant documents, mistranslating the term, “*sierra madre*,” and adding boundary calls that never appeared in the original record. By means of this mistranslation, the boundaries of the pueblo were extended to the east and south, giving the Pueblo approximately 7,000 additional acres more than originally granted by the king of Spain in 1748.
- (4) The term “*sierra madre*” clearly does not mean “main ridge,” either through direct translation, or within the context of the grant documents. *Sierra madre* simply means “mountain range,” and, taken in its geographical mass, can be clearly be seen as abutting the eastern boundary of the Pueblo.
- (5) From the establishment of the Pueblo of Sandía in 1748, until the assumption of sovereignty by the United States in 1846, Spanish and Mexican authorities recognized the eastern boundary of the Pueblo of Sandía as a north-south line, extending 1 league (5,000 varas, ca. 2.6 miles) east from the center of the pueblo. At no time was the eastern boundary considered as the summit of the Sandía Mountains.

In deriving these conclusions, I found no ambiguity in the documentation that would lead to the

deduction that the eastern boundary of the Pueblo of Sandía was ever recognized as the summit of the Sandía Mountains by Spanish or Mexican authorities. To the contrary, an objective analysis of the record, I believe, leads to an unambiguous conclusion that the placement of the eastern boundary of the Pueblo of Sandía at the crest of the Sandía Mountain is inconsistent with historical fact.

Subsequent to the completion of my 1996 report, I had the opportunity to review the Opinion issued on January 19, 2001 by the Solicitor of the Department of the Interior relating to placement of the eastern boundary of the Pueblo of Sandía. The Interior Opinion made significant errors regarding issues of historical interpretation and historical fact. In developing its historical arguments, the Interior Opinion misrepresented the material contained in my report, and appears to have relied for its conclusions upon sources that were not authoritative, or whose theories were found to be unsubstantiated.

Specifically, the Interior Opinion:

- (1) misrepresented the significance of the northern and southern boundary calls of the Pueblo in the 1748 granting document, which clearly placed the grant in a downhill setting. One must be geographically below the mountain in order to “face” the two cañadas noted in the document.
- (2) mistakenly and uncritically assumed the incorrect translation of *sierra madre* as “main ridge,” failing to address the etymological analysis in my Report.
- (3) Misconstrued the nature of the alterations to the boundaries of the Pueblo, which resulted from the mistranslation of the U.S. translator in the 1850s.
- (4) misconstrued the nature of Pueblo grants under Spanish law by failing to

recognize that the lands in question were *tierras realengas*, or unallocated royal lands, held in common for all residents in the area, including the Pueblo, to secure timber and firewood. Thus, the Pueblo did not need to own these lands in order to gain access to these resources.

- (5) misconstrued the concept of the area granted to each Indian Pueblo in Colonial New Mexico, which was four square leagues, or approximately 17,000 acres, and misrepresented the analysis of this question in my Report. After the US takeover of New Mexico, the federal government recognized the grants of 14 Pueblos as originally comprising only four square leagues. The higher acreages assigned by the government to the seven other Pueblos were due to additional lands either granted or purchased at a later time, or to fraudulent information provided to the U.S. authorities.
- (6) misinterpreted other grants as analogous to that of Sandia, specifically the adjacent Elena Gallegos Grant, which was not granted to a Pueblo, but to a non-Indian, and thus was governed by different criteria under Spanish law and custom.
- (7) ill-advisedly relied for its conclusions on the work of the late Dr. Myra Ellen Jenkins, many of whose opinions regarding this issue were not substantiated by the documentary record. Had she thoroughly examined the original 1748 grant documents, as I had done, Dr. Jenkins would have realized the impact of the gross errors of the Whiting mistranslation on the expansion of the Pueblo's

eastern boundary in the 1850s and 60s.

I thank the Committee for the opportunity to offer testimony on this most important issue, and stand ready to respond to questions.

